

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Attorney Docket
No. BP7339.06

In re Application of: L. M. Cirjak, et al.

Application No.: 10/721,669

Filed: November 25, 2003

For: Fluid Bed Process for the Acetoxylation of Ethylene in the
Production of Vinyl Acetate

The owner, THE STANDARD OIL COMPANY, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patents Nos. 5,550,281 and 5,710,318. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

12/23/2004 14:30:19 00000005 10721669

01 12:16:24 110.00 00

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

November 17, 2004

Date



Signature

Frank J. Sroka

Reg. No. 27,597

Attorney's Name/Registration No.

THE STANDARD OIL COMPANY
c/o BP America Inc.
Docket Clerk, BP Legal, M.C. 5 East
4101 Winfield Road
Warrenville, Illinois 60555

☒ Terminal Disclaimer fee under 37 CFR 1.20(d) is included.

☒ PTO suggested wording for terminal disclaimer was:

☒ unchanged

☐ changed

(if changed, an explanation should be supplied).

Charge Any Additional Fees Required to Deposit Account No. 01-0528